

TAB

CIA INTERNAL USE ONLY

21 March 1956

MEMORANDUM FOR RECORD

SUBJECT: Building - Use of CIA Appropriation for Survey and Acquisition of Right-of-Way for Parkway

1. Mr. Nolen has advised that the NEPC now holds \$200,000 for the acquisition of right-of-way from the Arlington-Fairfax line to Route 123. He also advised us, off the record, that the NEPC is holding \$150,000 for matching by the State and County governments which will provide a total of \$300,000 for acquisition of the right-of-way north of 123 to the Leiter Estate. He has indicated, however, that he did not believe that this will be enough, in view of present property values, for acquiring all the necessary right-of-way in either of the two sections. Although we do not know what other Federal funds might be available as contributions toward this acquisition, requested that I investigate the possibility of utilizing moneys appropriated to us if that becomes necessary.

2. Mr. Nolen also indicated that reappraisal of the land to be acquired requires first a survey, and Mr. Cheatham earlier indicated that this survey had been delayed due to a lack of funds. The estimated cost of the survey is \$25,000 to \$30,000. In our most recent meeting Mr. Nolen indicated that the survey was under way. It is possible, however, that it might be further delayed due to lack of funds, in which case we might wish to consider furnishing funds from our appropriations.

3. I have examined the language of P. L. 161, 84th Congress, which authorized the construction of a CIA building, and of P. L. 219, 84th Congress, which appropriated \$5,500,000 for this purpose. Section 401 of P. L. 161 authorizes appropriations not to exceed \$54,500,000 to construct a CIA building "of which not more than \$8,500,000 shall be available for transfer to the National Capital Planning Commission and the Department of the Interior for acquisition of land for and construction to extend the George Washington Memorial Parkway to the present site of the research station of the Bureau of Public Roads at Langley, Fairfax County, Virginia."

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The Act of 29 May 1930 authorizing the George Washington Memorial Parkway provides "That no money shall be expended by the United States for lands for any unit of this project until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources for one-half the cost of acquiring the lands in its judgment necessary for such unit of said project deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States: Provided further, That no money shall be expended by the United States for the construction of said highway on the Maryland side of the Potomac, except as part of the Federal-aid highway program: Provided, That in the discretion of the National Capital Park and Planning Commission, upon agreement duly entered into by the State of Maryland or Virginia or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands and the construction of said roads in any such unit referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of one-half of the cost thereof without interest within not more than eight years from the date of any such expenditure. The appropriation of the amount necessary for such advance, in addition to the contribution by the United States, is hereby authorized from any money in the Treasury not otherwise appropriated."

4. From a reading of the above, there seems to be no question that funds appropriated to us within the \$8,500,000 Parkway limitation may be used for the Federal share of the cost of acquiring right-of-way. It is questionable if any portion could be used for acquiring right-of-way unless matched by State-County contributions. It would seem permissible, however, to advance the total cost of acquisition provided that there were a State-County undertaking for repayment as specified in the Statute.

5. Perhaps the easiest way of justifying the expenditure of our funds for a survey is to consider it as an expense of acquisition. Mr. Nolen indicated in conversation that he might take the survey cost from the acquisition money which the NCPC now holds. The only difficulty with this approach is that it involves State-County contribution to the survey, reduces the joint funds available, and could result in appreciable delay in the acquisition of the necessary right-of-way.

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6. Surveys are specifically mentioned in P. L. 161, but they are there indicated to be one of the costs of acquisition. Section 501 provides that the authority granted by the Act "includes...(where)... the acquisition of right-of-way is specified...authority to make surveys...."

7. The only way in which I can see a basis for providing the NCPC with acquisition funds greater than may be matched by State-County contributions would be to read Section 401 as providing for the acquisition of right-of-way independently of the provisions of the Act of 29 May 1930, and I do not see how one could reasonably give it such a reading.

8. CONCLUSION: There is no legal objection to transferring of any portion of the \$8,500,000 that will be appropriated to us to the NCPC for the cost of right-of-way acquisition, including survey, provided that it is matched by State-County contribution. If it is decided to meet these costs or any of them without matching State-County contribution, the matter should first be submitted to the Controller General for a ruling.

FOIAB3B

[Redacted]

Assistant General Counsel

FOIAB3B

cc: [Redacted]

Distribution:

Subject - *new reg. file*

✓ Signer

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